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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS MILLER,
REGINALD JONES,
FELICIA SHAW,
JIMMY VAN II, and
JAZZMINE CAMPBELL,

Defendants.

CASE NO. 2:23-CR-00150 DJC

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: August 17, 2023

TIME: 9:00 a.m.

COURT: Hon. Daniel J. Calabretta

STIPULATION

1. On June 16, 2023, this matter was set for status conference before the Honorable Daniel Calabretta on August 17, 2023. ECF No. 43. Time has been excluded through and including August 17, 2023, as to all of the above-captioned defendants. *Id.*

2. By this stipulation, the parties request to set a status conference on October 5, 2023, at 9:00 a.m., and to exclude time between August 17, 2023, and October 5, 2023, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) Discovery associated with this case and produced to date includes more than 200 pages of reports and photographs, which have been either produced directly to counsel and/or made available for inspection and copying.

1 b) The government will be producing or making available additional discovery that
2 is voluminous, as it includes cell phone extractions.

3 c) Counsel for the defendants desire additional time to consult with their respective
4 clients, review the current charges, conduct investigation and research related to the charges, to
5 review and copy discovery for this matter, and to otherwise prepare for trial. Counsel for the
6 defendants believe that the failure to grant the above-requested continuance would deny them the
7 reasonable time necessary for effective preparation, taking into account the exercise of due
8 diligence.

9 d) The government joins the request to continue.

10 e) Based on the above-stated findings, the ends of justice served by continuing the
11 case as requested outweigh the interest of the public and the defendant in a trial within the
12 original date prescribed by the Speedy Trial Act.

13 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
14 et seq., within which trial must commence, the time period of August 17, 2023 to and including
15 October 5, 2023, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
16 T4] because it results from a continuance granted by the Court at defendants' request on the basis
17 of the Court's finding that the ends of justice served by taking such action outweigh the best
18 interest of the public and the defendant in a speedy trial.

19 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
20 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
21 must commence.

22 IT IS SO STIPULATED.

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1 Dated: August 10, 2023

PHILLIP A. TALBERT
United States Attorney

2
3 /s/ ALEXIS KLEIN
ALEXIS KLEIN
ROSS PEARSON
4 Assistant United States Attorneys

5 Dated: August 10, 2023

6 /s/ LINDA HARTER
LINDA HARTER
7 Counsel for Defendant
MARCUS MILLER

8 Dated: August 10, 2023

9 By: /s/ DAVID FISCHER
DAVID FISCHER
10 Counsel for Defendant
REGINALD JONES

11 Dated: August 10, 2023

12 By: /s/ PHILIP COZENS
PHILIP COZENS
13 Counsel for Defendant
FELICIA SHAW

14 Dated: August 10, 2023

15 By: /s/ TASHA CHALFANT
TASHA CHALFANT
16 Counsel for Defendant
JIMMY VAN II

17 Dated: August 10, 2023

18 By: /s/ KYLE KNAPP
KYLE KNAPP
19 Counsel for Defendant
JAZZMINE CAMPBELL

ORDER

The Court, having received, read, and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order. The Court vacates the August 17, 2023, status conference and resets the matter for a status conference on October 5, 2023, at 9:00 a.m. The Court also finds that based on the facts set forth in the parties' stipulation, the failure to exclude time between August 17, 2023, and October 5, 2023, would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court further finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. Time from August 17, 2023, to and including October 5, 2023, is excluded from the computation of time within which the trial of this case must commence under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), and Local Code T-4.

IT IS SO FOUND AND ORDERED this 14th day of August, 2023.

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE